



# IDEM Permit Guide

## Confined Feeding Approvals

**No one may start construction of a confined feeding operation or expansion without the prior approval of IDEM.**

### What is "Confined Feeding?"

Confined feeding is the raising of animals for food, fur, or recreation in lots, pens, ponds, sheds or buildings where they are confined, fed and maintained for at least 45 days during any year, and where there is no ground cover or vegetation present over at least half of the animals' confinement area. Indiana Administrative Code 327 IAC 16-2-4 defines a confined feeding operation as *any livestock operation engaged in the confined feeding of at least 300 cattle, or 600 swine or sheep, or 30,000 fowl, or an animal feeding operation that causes a violation of: 1) water pollution control laws; 2) any rules of the water pollution control board [329 IAC 16-9-1]; or 3) Indiana Code confined feeding statute [IC 13-18-10].*

### What is a CFO?

An animal feeding operation is a confined feeding operation if animals are confined and the following conditions apply:

- Confined for forty-five (45) days or more of a year, consecutive or nonconsecutive; and
- The confinement area is covered with less than fifty percent (50%) vegetation; and
- The number of animals exceeds the levels detailed below.

#### Confined feeding of at least:

1. Three hundred (300) cattle;
2. Six hundred (600) swine;
3. Six hundred (600) sheep;
4. Thirty thousand (30,000) fowl.

### Who May Need An Approval?

Anyone proposing to construct or expand a confined feeding operation (as defined above) must first apply for and obtain an approval prior to its construction and operation.

Confined feeding approvals are needed for:

1. any new confined feeding operations (as defined above),
2. any expansions of existing confined feeding operations if the number of animals in the confined feeding operation increases by 10% over the previously approved animal capacity, or the number required for initial approval, and
3. for existing confined feeding operations never before approved.

Before submitting your application, it is highly recommended that you review the IDEM Office of Land Quality's "CFO Guidance Manual"; it provides a more thorough explanation of approval requirements for construction and operation of a confined feeding operation than the summary provided on this page. Other helpful documents are available on the Office of Land Quality's Confined Feeding Web Page.

### Some of The Things an Applicant Must do to Comply with IDEM's Confined Feeding Approval Program Include (but are not limited to):

#### A. Compliance for Existing Permitted Confined Feeding Facilities (327 IAC 16-9-1)

To maintain compliance, permitted facilities must:

- File an approval amendment if the number of animals increases by 10% over the previously approved animal capacity, or the number required for initial approval.
- Submit renewal along with a revised Manure Management Plan every 5 years.
- conduct monthly self-monitoring of waste management systems, and maintain monitoring records (see below under "General Requirements").

## ***B. Requirements for New Applications (Construction) (327 IAC 16-7)***

New applicants must:

- Submit a complete application with plans and specifications for the design and operation of manure treatment and control facilities.
- Obtain a Confined Feeding Approval from IDEM prior to the construction of the confined feeding operation.
- Notify adjoining landowners within 10 days of application.
- when the facility(ies) are constructed, send IDEM a signed affidavit stating that construction is complete before the introduction of animals.
- Perform soil tests on the fields you plan to use for land application of the manure (see the CFO Guidance Manual, page 11) and the manure must be tested for nutrient content (see the CFO Guidance Manual, page 12), and
- Send an affidavit, within 30 days after construction is completed, to IDEM that says the confined feeding operation was 1) constructed and 2) will be operated in accordance with the requirements of the department's approval.

### **Construction setback requirements**

- 1000 ft - Public water supplies
- 300 ft - Drainage inlets, sinkholes, offsite water wells, surface waters (for liquid manure storage)
- 100 ft - on-site water wells, property lines, public roads, surface waters (for solid manure storage)

## ***C. General Requirements (For both new and existing permitted CFOs) (327 IAC 16-9-5)***

All confined feeding operations must:

- Have a current Manure Management Plan (including soil survey maps) that outlines procedures for soil testing and manure testing at least one (1) time every five (5) years to maintain valid approval for the confined feeding operation.
- Submit maps of manure application areas with the Manure Management Plan;
- Meet acreage requirements for land application, and be able to document how the calculations were derived.
- Provide other supplemental information including a farmstead plan which shows drainage course, topography features, nearest water bodies, location of manure treatment facilities, and plot maps showing soil types, topography, and location of storage;
- Conduct manure & soil tests, and retest every 3 years.
- Maintain monthly self-monitoring reports, and keep the records back to 3-years.
- Keep manure application records (where, when, and how much manure was applied) back to 5-years.
- Submit a fee of one hundred dollars (\$100) with the application,
- Have an emergency spill response plan, and must document all spills, holding records for 5-years. Additionally, all spills must be reported to IDEM within 2-hours at:  
Indiana Department of Environmental Management  
Office of Environmental Response  
1-(888)-233-7745 or (317)-233-7745

## ***D. Manure Management***

### **Manure Storage Requirements & "Staging"**

For more information on land applying manure, see the Land Application Permits section of the Permit Guide. Since land application is commonly associated with confined feeding operations Indiana law has addressed some specific manure storage requirements as applied to Confined Feeding Operations.

Generally, storing manure outside at the production site is

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prohibited; manure must be stored in a barn, litter stack building, or other approved manure storage structure until it is to be land applied. However, the temporary placement of manure in a pile at the site where the manure will be land applied (or "staging") is allowed as long as the following requirements (as outlined under 329 IAC 16-9-1) are met:

- If "staging" at land application site for more than 72 hours the manure must be covered or protected.
- Berms surrounding the manure pile are required when staging manure in an area with a slope with a grade of over 6%.
- manure must be properly land applied within 90 days of being "staged" at the application site.
- **Staging is prohibited 300 feet from surface waters, drainage inlets, or water wells unless runoff is controlled.**
- See fact sheet: "Proper Storage And Management Of Solid Or Dry Manure" for more details.

### ***E. Closure / "Voidance" requirements***

If you close a confined feeding operation, or exit the confined feeding approval program by reducing the number of animals below the thresholds in the definition for confined feeding (above), you are required to adhere to closure requirements (described under 327 IAC 16-11 & 12).

- Storage structure must be maintained until manure is removed.
- After manure is removed, IDEM notification is required within 30 days.

## **Documentation to be generated after IDEM approval is granted**

Within 30 days after construction of the CFO is completed, an affidavit that says the confined feeding operation was 1) constructed and 2) will be operated in accordance with the requirements of the department's approval must be submitted to IDEM.

In addition the CFO must develop and maintain on the farm, an operating record that includes the following;

- (1) the approval letter and any subsequent amendments, notifications and renewals,
- (2) the current manure management plan,
- (3) the current emergency spill response plan,
- (4) self inspection reports,
- (5) spill response documents from the past five years,
- (6) calculated minimum acreage required to be maintained,
- (7) records of land application activity,
- (8) records of manure give away or marketing program.

In order to maintain a valid approval a CFO must submit to IDEM, an approval renewal form and a manure management plan that outlines procedures for soil testing, manure testing, and maps of manure application areas to the department at least one (1) time every five (5) years.

## **What's New?**

IDEM has initiated a rulemaking to create a general National Pollution Discharge Elimination System (NPDES) Permit for federally defined confined animal feeding operations (CAFOs). This effort is being made to assure compliance with the USEPA Clean Water Act. IDEM intends to craft the rule language in a way to coordinate the General Rule with the CFO Approval to avoid duplication and make the permitting / approval process as simple as possible. If your farm meets the federal definition of a CAFO, **you will be notified** and instructed how to comply.

See the proposed rule on the Internet at <http://www.in.gov/idem/land/cfo/cfonpdes.pdf>

## **What to Expect**

IDEM has ninety (90) days to issue a decision regarding a confined feeding operation application. If IDEM needs any additional information to process the application, it will contact the applicant by mail or fax with a request for additional information within thirty (30) days of receipt of a complete application. Any time which passes while IDEM is awaiting a response will not be counted against IDEM's allotted processing

time frames.

Upon receipt of the application IDEM will notify the County Board of Commissioners, Mayor or Town Council President of any county, city or town that is affected by the application.

After the approval decision is made, IDEM will notify the applicant and potentially affected parties of the decision. Potentially affected parties will have 18 days to appeal the decision. If approved, construction of the confined feeding operation must 1) begin not later than two (2) years; and 2) be completed not later than four (4) years after the approval has been issued or after all appeals have been settled.

## **For Additional Information**

To learn more about IDEM's Confined Feeding approval program or to obtain an application packet visit the IDEM Confined Feeding page or contact:

Dennis Lasiter  
Phone: 317/232-8732  
E-mail: [dlasiter@dem.state.in.us](mailto:dlasiter@dem.state.in.us).

### **Disclaimer**

This permit guide is intended to provide background information which should be useful in planning for a particular project that may require an environmental permit. It does not substitute for consultation with the appropriate regulatory agency and/or the appropriate rules or statute.